

## **Remarks**

All pending claims 30-38, 40-54, and 56–63 presently stand rejected. Claims 30, 36, 46 – 48, 53, and 58 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 30 - 38, 40 - 54, and 56 – 63 were rejected under § 103(a) over various combinations of U.S. Patent No. 5, 729, 281 to Utsumi et al. (“Utsumi”), U.S. Publication No. 2002/0007490 to Jeffery, U.S. Patent No. 6,188,871 to Kitamura et al. (“Kitamura”), U.S. Patent No. 5,699,105 to Chen et al. (“Chen”), “DOCSIS Cable Modem Technology,” IEEE Communications Magazine, by Fellows (“Fellows”), U.S. Patent Application Publication No. 2002/0073431 to Nikolich, U.S. Patent No. 6,848,116 to Land (“Land”), U.S. Patent Application Publication No. 2002/0019984 to Rakib et al. (“Rakib”), and U.S. Patent No. 5,600,364 to Hendricks et al. (“Hendricks”).

In particular, claims 30 – 38, 41 - 44, 46, 49 - 54 and 57 were rejected over Utsumi in view of Jeffery. Claim 40 was rejected over Utsumi in view of Jeffery in further view of Kitamura. Claim 45 was rejected over Utsumi in view of Jeffery, and further in view of Chen, and further in view of Fellows. Claims 47 and 48 were rejected over Utsumi in view of Jeffery, further in view of Nikolich, and further in view of Land. Claim 56 was rejected over Utsumi, in view of Jeffery, as applied to claim 53, and further in view of Kitamura. Claim 58 was rejected over Jeffery in view of Rakib, further in view of Land. Claims 59 and 60 were rejected over Jeffery, in view of Rakib further in view of Land, as applied to claim 58, further in view of Nikolich. Claims 61 and 63 were rejected over Jeffery in view of Rakib further in view of Land further in view of Hendricks. Finally, claim 62 was rejected over Jeffery in view of Rakib further in view of Land further in view of Chen. Applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 30 now recites in pertinent part, “receiving by a DOCSIS return channel frequency converter, an upstream DOCSIS return signal from the output diplexer, the DOCSIS return channel frequency converter configured to provide a frequency-selectable return signal to an input diplexer for return to the neighborhood headend.” Applicants respectfully submit that the combination of the references fails to teach or suggest receiving by a DOCSIS return channel frequency converter an upstream DOCSIS return signal from an output diplexer to provide a frequency-selectable return signal to the input diplexer of the local service module. Applicants respectfully direct the Examiner to paragraph [0036] of the Specification for support for the amendment.

On page 3 of the office action, the Examiner has acknowledged that the combination of Utsumi, Jeffery, and Nikolich fails to disclose the claimed input and output diplexers of respective claims 47 and 48. To cure the deficiencies of Utsumi, Jeffery, and Nikolich, the Examiner has cited input diplexer 26 and output diplexer 19 of Land as corresponding to the claimed input diplexer and output diplexer of respective claims 47 and 48. As described in col. 5, lines 3 – 21 of Land, output diplexer 19 separates requests from a particular subscriber premises equipment element (“SPEE”) and routes them to LAN controller 18. If the requested channel is not already being provided to another SPEE or through bypass filter 21, after various operations performed by the microcontroller 17 and tuner 16, a message is passed back to the requesting SPEE through LAN controller 18. When a requested channel is already being provided, microcontroller 17 may respond to the requesting SPEE in the form of a message confirming channel service through the LAN controller 18. (See Land, col. 5, lines 5 – 25).

There is no mention in Land of an output diplexer providing an upstream DOCSIS return signal to a DOCSIS return channel frequency converter. Nor is there teaching or suggestion of “receiving by a DOCSIS return channel frequency converter, an upstream DOCSIS return signal from the output diplexer, the DOCSIS return channel frequency converter configured to provide a frequency-selectable return signal to an input diplexer of the local service module for return to the neighborhood headend.”

Nor do Kitamura, Fellows, Chen, Rakib, or Hendricks teach or suggest “receiving by a DOCSIS return channel frequency converter, an upstream DOCSIS return signal from the

output diplexer, the DOCSIS return channel frequency converter configured to provide a frequency-selectable return signal to an input diplexer of the local service module for return to the neighborhood headend.” Consequently, the combination of the references fail to teach or suggest all elements of claim 30 as required under M.P.E.P. § 2143.03.

Accordingly, Applicants respectfully request that the instant §103(a) rejection of claim 30 be withdrawn. Independent claims 46, 53, and 58 include at least one or more similar or same nonobvious elements as independent claim 30. Accordingly, Applicants request that the instant §103(a) rejections of claims 46, 53, and 58 be withdrawn. Dependent claims 31 – 38, 40 - 45, 47 – 52, 54, 56 – 57, and 59 - 63 depend from claims 30, 43, 53, or 58 and are patentable over the art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 31 – 38, 40 - 45, 47 – 52, 54, 56 – 57, and 59 - 63 be withdrawn.

## **Conclusion**

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1561. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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